



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

1:19-cv-01157-EAW

THE PREMISES AND REAL PROPERTY
WITH ALL BUILDINGS, APPURTENANCES,
AND IMPROVEMENTS, LOCATED AT
AT 7405 MORGAN ROAD, LIVERPOOL, NEW
YORK, et al.

Defendants.

**STIPULATION BY AND AMONG THE UNITED STATES OF AMERICA, DEFENDANT
THE VIEW AT MACKENZI, AND THIRD-PARTY INTEREST HOLDERS RELATED
TO THE CIVIL FORFEITURE ALLEGATIONS AGAINST THE VIEW AT MACKENZI
UNDER 1:19-CV-01157-EAW (DKT. NO. 1)**

With regard to the United States of America's civil forfeiture allegations against the premises and real property with buildings, appurtenances and improvements located at 2035 Patriot Street, York, PA 17408, known as the "The View at Mackenzi," as set forth in the verified complaint in the aforementioned action (the "*Civil Complaint*"), incorporated herein by references, the United States of America, defendant The View at Mackenzi, and third-party interest holders identified below (collectively, the "*Parties*") hereby stipulate as follows:

1. Whereas on August 28, 2019, the United States of America commenced this civil forfeiture action *in rem* against thirteen defendant properties under 18 U.S.C. § 981(a)(1)(A) and § 981(a)(1)(C) by filing the Complaint (*see* Compl. ¶¶ 1-2).

2. Whereas one of the defendant properties that the Civil Complaint identifies is known as The View at Mackenzi, and is described in the Civil Complaint as:

2035 Patriot Street, York, Pennsylvania, that is, all that tract or parcel of land, situated in North Codorus Township, County of York, Commonwealth of Pennsylvania, and more particularly (I) shown as units No. 52A and 52B as described in a certain Declaration Plan of Colonial Gardens Condominium dated February 8, 2008 and recorded in the York County Recorder of Deeds Office in Book GG, Page 2674, and (II) described in a certain Deed recorded in the York County Recorder of Deeds Office in Book 1946 Page 4069, on February 5, 2008, collectively known as The View at Mackenzi and respectively owned by Colonial Gardens, L.P., and Colonial Crossings Investments, L.P.. (See Compl. ¶ 1(a))

3. Whereas on September 13, 2019, the United States of America filed a Notice of Pendency against The View at Mackenzi, attached hereto as **Exhibit A**.

4. Whereas Colonial Gardens, L.P., a Pennsylvania limited partnership, and Colonial Crossings Investments, L.P., a Pennsylvania limited partnership (collectively, the “*Owner*”) own The View at Mackenzi.

5. Whereas Colonial Gardens, L.P. and Colonial Crossings Investments, L.P. are owned by Morgan CG GP, LLC, a Delaware limited liability company, and Morgan CG LP, LLC, a Delaware limited liability company, which are then both wholly owned by Morgan Colonial Gardens, LLC, a Delaware limited liability company.

6. Whereas ZSR Holdings LLC, The CSC Fund LLC, The RJM Fund LLC, The Robert Morgan Limited Partnership III, and Kevmo LLC each have an indirect ownership interest in The View at MacKenzi.

7. Whereas Robert Morgan, Robyn Morgan, Lacy Katz Morgan, and Todd Morgan have direct and indirect ownership interests in The Robert Morgan Limited Partnership III.

8. Whereas Kevin Morgan is the sole owner of Kevmo LLC.

9. Whereas Sharon Zinser is the sole owner of ZSR Holdings LLC.

10. Whereas Robert J. Moser is the sole owner of The RJM Fund LLC.

11. Whereas the Chase Chavin Revocable Trust and the Stefanie Cyr Revocable Trust have ownership interests in The CSC Fund LLC.

12. Whereas there are no advances made by the Receivership Entities (as defined in the Order Appointing Receiver (Dkt. 39) and clarified by the Stipulation and Order (Dkt. 49) in *Securities and Exchange Commission v. Morgan, et al.*, 19-CV-661-EAW) for the benefit of The View at Mackenzi.

13. Whereas in order to effectuate the purchase and sale of The View at Mackenzi pursuant to a Purchase and Sale Agreement, dated April 10, 2019, by and between the Owner and View at Mackenzi Acquisition, LLC, a Delaware limited liability company (“**Purchaser**”) or its permitted assignee, which transaction is on hold until such time as this Stipulation is executed; or pursuant to any subsequent purchase and sale agreement as may be agreed upon by Owner and a bona fide purchaser (the “**Sale**”), the Parties agree as follows:

14. Whereas, the Parties agree that upon the closing of the Sale (the “**Closing**”), all the debts and outstanding obligations secured by the loan agreement between Owner and Arbor Commercial Funding I, LLC (“**Lender**”), dated March 13, 2017, and any amendments thereto, as negotiated by and between Owner and Lender for the full and final settlement of all such debt and outstanding obligations, shall be paid to Lender from the gross proceeds of the Sale pursuant to the agreed-upon payoff statement provided to Owner by Lender. In addition, after such payment to the Lender, all valid, reasonably and customary costs and expenses relating to the Sale shall be paid from the remaining Sale proceeds.

15. All Sale proceeds remaining after the aforementioned payments in Paragraph 14 (the “**Net Proceeds**”) shall be sent to a third-party escrow account agreed to by the Parties (the

“*View at Mackenzie Net Proceeds*”). The Court must approve fees due and owing to the holder of the escrow account, except as otherwise stipulated by the Parties.

16. Upon confirmation of the third-party escrow agent’s receipt of the View at Mackenzi Net Proceeds as set forth in Paragraph 15, the United States of America shall amend the Civil Complaint to dismiss real property The View at Mackenzi as a Defendant in the Civil Forfeiture Action; and may add as a Defendant in its stead the View at Mackenzi Net Proceeds.

17. In amending the Civil Complaint to add the View at Mackenzi Net Proceeds as Defendant, the United States of America shall include the paragraph set forth in **Exhibit C** attached hereto in the amended Civil Complaint.

18. The United States of America shall take all steps necessary to amend the Civil Complaint in accordance with applicable laws, Court rules, and any Court orders in the Civil Forfeiture Action.

19. The United States of America hereby agrees that, upon the Court So Ordering this Stipulation, the United States of America will not seek any criminal, civil, or administrative forfeiture of The View at Mackenzi nor any substitute property up to the value of The View at Mackenzie.

20. Upon the Court So Ordering this Stipulation, the United States of America hereby agrees to release the Notice of Pendency (**Exhibit A**) against The View at Mackenzi. Nothing in this Stipulation may be construed as the United States of America conceding that the Notice of Pendency filed in this action was improper in any manner. The Parties agree that counsel for The View at Mackenzi will file with the York County Recorder’s Office the Release of Notice of Pendency for The View at Mackenzi, attached hereto as **Exhibit B**.

21. The Parties agree that any Party hereto asserting an interest in the View at Mackenzi Net Proceeds shall have 60 days from the amendment of the Civil Complaint to file a verified Claim with the Court, except to the extent that a separate stipulation has extended the time for any Party to file a claim and/or answer that provides for a longer period.

22. Any interest of Kevin Morgan in the View at Mackenzi Net Proceeds shall be governed by a separate agreement entered into between the United States of America, Kevin Morgan, and his counsel.

23. Notwithstanding the foregoing, nothing in this Stipulation shall be construed to prohibit the United States of America from discontinuing or dismissing as defendants The View at Mackenzi, or the View at Mackenzi Net Proceeds.

24. Within a reasonable time following the amendment of the Civil Complaint, any party owning an interest in the View at Mackenzi Net Proceeds that wishes to assert an affirmative innocent owner defense pursuant to 18 U.S. Code Section 983(d)(2) may make a showing to the United States of America of any evidence underlying such proposed innocent owner's claim, during which time the United States of America agrees to consent to the party's request for a reasonable extension of time for the party's obligations to answer, claim or otherwise plead under the Civil Forfeiture Reform Act of 2000 ("*CAFRA*"). The United States of America further agrees to review any pertinent documents and discovery materials on an expedited basis. During such discovery and review process, should the United States of America agree with any party that such party would likely prevail in a claim under 18 U.S. Code Section 983(d)(2), or that the equities otherwise favor discontinuing any further action against that party's portion of the View at Mackenzi Net Proceeds, the United States of America shall: (1) consent to the release of the funds associated with such party's ownership in the View at Mackenzi Net Proceeds, and (2) file, on the

public docket in the aforementioned action, a stipulation with such party setting forth the amount of the View at Mackenzi Net Proceeds to be released by the third-party escrow agent and the basis for that release. Such party will thereafter provide a copy of the so-ordered stipulation to the third-party escrow agent to release of those funds. Should the United States of America disagree with any party that such party would likely prevail in a claim under CAFRA or that the equities otherwise favor discontinuing any further action against that party's interest in the View at Mackenzi Net Proceeds, then such dispute will be litigated in the ordinary course in accordance with the CAFRA. The United States of America agrees to waive and not challenge in such litigation any Parties' (to this Stipulation) standing to assert any claim or defense including, but not limited to, an innocent owner defense.

25. Nothing in this Stipulation shall limit any Party's (excluding the United States of America), any other claimant's or any other potential claimant's right to file a verified claim in the Civil Forfeiture Action, answer the Civil Forfeiture Action, or otherwise contest the United States of America's forfeiture allegations of The View at Mackenzi, the View at Mackenzi Net Proceeds or their respective portion thereof.

26. Nothing in this Stipulation shall be deemed a concession by the United States of America that any party not subject to this Stipulation has automatic standing in this matter nor shall it limit the right of the United States of America to present any and all of its arguments in favor of civil forfeiture to the Court during the pendency of the Civil Forfeiture Action, including, but not limited to, whether a non-Party claimant has proper standing in the Civil Forfeiture Action litigation, except as set forth in Paragraph 24.

27. Nothing in this Stipulation shall be construed as a waiver or concession of any defense or argument in opposition to the civil forfeiture.

28. The Parties agree to release and hold harmless the United States of America and all agencies, departments, servants, employees and contractors of the United States of America from any and all civil liability arising from the conditions and promises of this Stipulation.

29. Nothing in this Stipulation shall be construed as an admission of any allegation in the Civil Complaint or in the Superseding Indictment in *United States v. Robert Morgan*, et al., 18-CR-108-EAW.

30. Nothing in this Stipulation shall be construed as any further violation of law.

Dated: December 20, 2019

THE UNITED STATES OF AMERICA

By: JAMES P. KENNEDY, JR.
United States Attorney

S/Mary Clare Kane
Mary Clare Kane
Assistant United States Attorney
United States Attorney's Office
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202

ROTHENBERG LAW

By: S/David Rothenberg
David Rothenberg
Attorneys for Todd Morgan
Time Square Building
45 Exchange Boulevard, Suite 800
Rochester, New York 14614

HARRIS BEACH PLLC

By: S/Jordan Alaimo
Jordan C. Alaimo
Attorneys for Colonial Gardens, L.P. and
Colonial Crossings Investments, L.P.,
owners of Defendant The View at Mackenzi
and The Robert Morgan Limited Partnership
III
99 Garnsey Road
Pittsford, New York 14534

COLE SCHOTZ P.C.

By: S/Joseph Barbieri
Joseph Barbieri
Attorneys for The RJM Fund LLC and
Robert J. Moser
25 Main Street
Hackensack, New Jersey 07601

GIBSON DUNN & CRUTCHER, LLP

By: S/Joel M. Cohen
Joel M. Cohen
Attorneys for Robert Morgan
200 Park Avenue
New York, NY 10166

NORTON ROSE FULBRIGHT LLP

By: S/Marc S. Shapiro

Marc S. Shapiro

Attorneys for Robyn Morgan and Lacey
Morgan Katz

1301 Avenue of the Americas

New York, New York 10019

LATHAM & WATKINS LLP

By: S/Terra Reynolds

Terra Reynolds

Attorneys for The CSC Fund LLC, The
Chase Chavin Revocable Trust, and The
Stefanie Cyr Revocable Trust
330 N. Wabash Avenue, Suite 2800
Chicago, Illinois 60611

WALTER HAVERFIELD LLP

By: S/Darrell Clay

Darrell Clay

Attorneys for ZSR Holdings LLC and Sharon
Zinser

1301 E. Ninth Street, Suite 3500

Cleveland, Ohio 44114

SO ORDERED:

Dated: Rochester, New York

December 16, 2019



Hon. Elizabeth A. Wolford
United States District Judge

York County
Assessment Office



1237184

IN THE COURT OF COMMON PLEAS OF YORK COUNTY

UNITED STATES OF AMERICA,
Plaintiff

vs.

2035 Patriot Street, York, PA, known as
The View at Mackenzi and owned by
Colonial Crossings Investments L.P.,

Defendant.

**CIVIL DIVISION, ARBITRATION
AND STATUTORY APPEALS ONLY**

CASE NUMBER: _____

TYPE OF PLEADING: PRAECIPE TO
INDEX A LIS PENDENS

CODE AND CLASSIFICATION: _____

FILED ON BEHALF OF: United States of
America

CERTIFICATE OF LOCATION

I HEREBY CERTIFY THAT THE LOCATION
OF THE REAL ESTATE IS:

2035 Patriot Street, York, PA
17408

BY Mary Clare Kane

Parcel I.D. No. 40-000-15-0050.00-00000

**NAME, ADDRESS AND TELEPHONE
OF:**

Counsel of Record

Mary Clare Kane
Assistant U.S. Attorney
U.S. Attorney's Office
138 Delaware Avenue
Buffalo, NY 14202
Telephone: (716) 843-5809

8/18

IN THE COURT OF COMMON PLEAS
OF YORK COUNTY

UNITED STATES OF AMERICA

v.

No.

2035 Patriot Street, York, PA, known as The
View at Mackenzi and owned by
Colonial Crossings Investments, L.P,

Defendant.

PRAECIPE TO INDEX A LIS PENDENS

Pursuant to 42 Pa. C.S.A. § 4304, please index the enclosed Lis Pendens against the above-referenced Defendant, who is the record title owner of the real property. A Verified Complaint for Forfeiture has been filed and civil forfeiture action is now pending in the United States District Court for the Western District of New York at Docket No. 1:19cv01157. The object of the pending action is to forfeit the defendant real property to the United States of America, and any and all proceeds therefrom or from the sale thereof, pursuant to the provisions of Title 18, United States Code Sections 981(a)(1)(A) and 981(a)(1)(C).

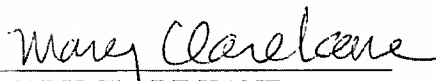
The real property which is the subject of this action and to which this Lis Pendens refers is known and numbered as 2035 Patriot Street, York, Pennsylvania, Parcel No. 40-000-15-0050.00-00000 (the "Defendant Real Property"). The legal description of the Defendant Real Property is further described as recorded in the York County Recorder of Deeds on February 5, 2018 in Book 1946 at Page 4073, a copy of which is attached hereto as Exhibit A.

For further information concerning the action for forfeiture, reference may be had to the records of the Clerk of the United States District Court for the Western District of New York, 2 Niagara Square, Buffalo, New York 14202.

Dated: Buffalo, New York, September 12, 2019.

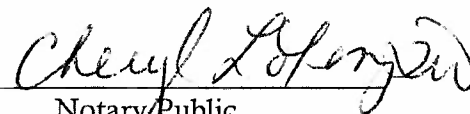
Respectfully submitted,

JAMES P. KENNEDY, Jr.
United States Attorney
Western District of New York


MARY CLARE KANE
Assistant U.S. Attorney
138 Delaware Avenue
Buffalo, NY 14202
(716) 843-5809
mary.kane@usdoj.gov

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On this 12th day of September 2019, before me, the undersigned, a Notary Public in and for the State of New York, personally appeared MARY CLARE KANE, Assistant United States Attorney for the Western District of New York, personally known to me or proved to me, on the basis of satisfactory evidence, to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that her signature on the instrument, the individual, or the person on whose behalf of which the individual acted, executed the instrument.

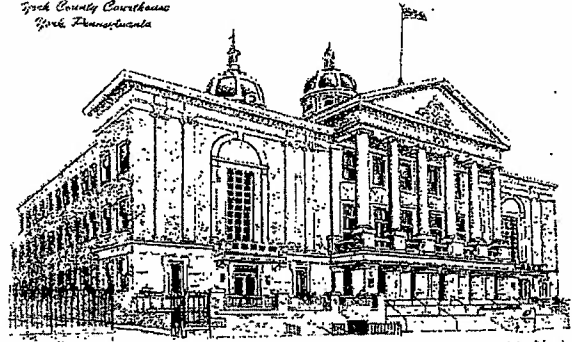

Notary Public

CHERYL LOTEMPIO
Notary Public, State of New York
Qualified in Erie County
Commission Expires June 30, 2022

YORK COUNTY RECORDER OF DEEDS
28 EAST MARKET STREET
YORK, PA 17401

Randi L. Reisinger - Recorder
Gloria A. Fleming - Deputy

York County Courthouse
York, Pennsylvania



Instrument Number - 2008007456
Recorded On 2/5/2008 At 11:08:49 AM

Book - 1946 Starting Page - 4069
* Total Pages - 5

* Instrument Type - DEED

Invoice Number - 748548

* Grantor - STATEWIDE PROPERTIES L P

* Grantee - COLONIAL CROSSING INVESTMENTS L P

User - BKB

* Received By: COUNTER

* Customer - BLAKEY YOST

*** FEES**

STATE TRANSFER TAX	\$394.70
STATE WRIT TAX	\$0.50
JCS/ACCESS TO JUSTICE	\$10.00
RECORDING FEES	\$15.00
AFFORDABLE HOUSING	\$11.50
PIN NUMBER FEES	\$2.00
COUNTY ARCHIVES FEE	\$2.00
ROD ARCHIVES FEE	\$3.00
SPRING GROVE AREA	\$197.35
SCHOOL REALTY TAX	
NORTH CODORUS TOWNSHIP	\$197.35
TOTAL PAID	\$833.40

PARCEL IDENTIFICATION NUMBER

400001500500000000

Total Parcels: 1

I Certify This Document To Be
Recorded In York County, Pa.



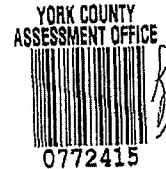
Randi L. Reisinger
Recorder of Deeds

THIS IS A CERTIFICATION PAGE
PLEASE DO NOT DETACH
THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

Book: 1946 Page: 4073

Exhibit A



UPI Number: 40-000-15-0050.00-00000

DEED

Made the 31 day of January, Two Thousand and Eight (2008),

BETWEEN

STATEWIDE PROPERTIES, L.P., a Pennsylvania limited partnership, with offices at 200 Bailey Drive, Suite 204, Stewartstown, Pennsylvania, 17363,

GRANTOR

AND

COLONIAL CROSSINGS INVESTMENTS, L.P., a Pennsylvania limited partnership, with offices at 200 Bailey Drive, Suite 204, Stewartstown, Pennsylvania, 17363,

GRANTEE

WITNESSETH

That in consideration of the sum of **THIRTY THOUSAND ONE HUNDRED THIRTY DOLLARS (\$30,130.00)**, in hand paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantee, its administrators, successors and assigns, all of its right, title and interest in:

ALL THAT CERTAIN tract of land situate in North Codorus Township, York County, Pennsylvania, being known as Lot 50 on a Revised Land Development Plan for Colonial Crossing Lot 50 prepared by James R. Holley & Associates, Inc., dated June 15, 2006, and recorded in the York County Recorder of Deeds Office in Land Record Book 1827, page 657, and being more fully bounded and described to wit:

BEGINNING at a point on the northwest side of Patriot Street at a corner of existing Lot 19; thence along the northwest side of Patriot Street, South 55 degrees 38 minutes 47 seconds West, 28.32 feet to a point; thence along same by a curve to the left having a radius of 330.00 feet for an arc distance of 248.28 feet, the chord of which is South 34 degrees 05 minutes 32 seconds West, 242.47 feet to a point; thence along same and along the north side of Paine Boulevard by a curve to the right having a radius of 20.00 feet for an arc distance of 27.92, the chord of which is South 52 degrees 31 minutes 57 seconds West, 25.71 feet to a point; thence along the north side of Paine Boulevard by a curve to the left having a radius of 330.00 feet for an arc distance of 46.56 feet, the chord of which is South 88 degrees 29 minutes 05 seconds West, 46.52 feet (said curve data erroneously stated on plan as an arc length of 51.18 feet, a chord bearing of South 88 degrees 05 minutes 01 seconds West, 51.13 feet) to a point at lands now or formerly of Hollis McKinney; thence along said lands North 21 degrees 30 minutes 58 seconds West, 281.63 feet to a point; thence crossing Eagleton Lane, North 68 degrees 29 minutes 02 seconds East,

262.59 feet to a point; thence South 34 degrees 21 minutes 13 seconds East, 151.00 feet to a point on the northwest side of Patriot Street, the place of BEGINNING.

BEING the same premises which Cornerstone at Colonial Crossings, L.P., a Pennsylvania limited partnership, by Deed dated December 18, 2006, and recorded December 20, 2006, in the Office of the Recorder of Deeds in and for York County, Pennsylvania, in Record Book 1863, Page 3500, granted and conveyed to Statewide Properties, L.P., a Pennsylvania limited partnership, the Grantor herein.

AND the said Grantor Will Warrant Specially the property hereby conveyed.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal the day and year first above written.

ATTEST:

Mary Vige

Statewide Properties, L.P. by its General
Partner, Bailey Springs Corp. R

By: Sam Juffe
Sam Juffe, President

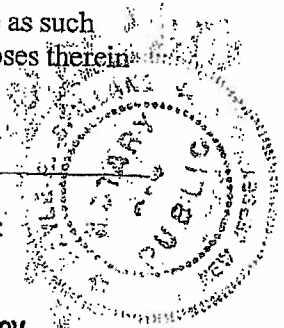
STATE OF NEW JERSEY

COUNTY OF MIDDLESEX

On this, the 31 day of January, 2008, before me, a Notary Public, personally appeared Sam Juffe who acknowledges himself to be the President of Bailey Springs Corp., the General Partner of Statewide Properties, L.P., a Pennsylvania limited partnership, and that he as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of said corporation by himself as President.

Dayle E. Spillane
Notary Public
My Commission expires:

Dayle E Spillane
Notary Public of New Jersey
My Commission Expires 10/17/2012



CERTIFICATE OF RESIDENCE

The undersigned does hereby certify that the precise address and complete post office address of the within named Grantee is:

Date 2/4/08

200 Bailey Drive, Suite 204, Stewartstown, PA
17363

Albert M. Blahy / ALB
Attorney for Grantee

REV-183 EX (11-04)



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
BUREAU OF INDIVIDUAL TAXES
PO BOX 280603
HARRISBURG PA 17128-0603

REALTY TRANSFER TAX STATEMENT OF VALUE

See Reverse for Instructions

RECORDER'S USE ONLY

State Tax Paid 394.70
Book Number 1946
Page Number 4069
Date Recorded 2/5/08

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) when the deed is without consideration, or by gift, or (3) a tax exemption is claimed. A Statement of Value is not required if the transfer is wholly exempt from tax based on: (1) family relationship or (2) public utility easement. If more space is needed, attach additional sheet(s).

A. CORRESPONDENT - All inquiries may be directed to the following person:

Name

Albert G. Blakey, Esquire

Telephone Number:

(717) 845-3674

Street Address

17 East Market Street

City
YorkState
PAZip Code
17401**B. TRANSFER DATA****Date of Acceptance of Document**

Grantor(s)/Lessor(s)

Statewide Properties, L.P.

Grantee(s)/Lessee(s)

Colonial Crossings Investments, L.P.

Street Address

200 Bailey Drive, Suite 204

Street Address

200 Bailey Drive, Suite 204

City

Stewartstown

State
PAZip Code
17363

City

Stewartstown

State
PAZip Code
17363**C. PROPERTY LOCATION**

Street Address

Lot 50 Colonial Crossings

City, Township, Borough

North Codorus Township

County

York

School District

Spring Grove Area

Tax Parcel Number

40-000-15-0050.00-00000

D. VALUATION DATA

1. Actual Cash Consideration

30,130.00

2. Other Consideration

+ 0.00

3. Total Consideration

= 30,130.00

4. County Assessed Value

30,130.00

5. Common Level Ratio Factor

X 1.31

6. Fair Market Value

= 39,470.30

E. EXEMPTION DATA

1a. Amount of Exemption Claimed

0.00

1b. Percentage of Interest Conveyed

100%

2. Check Appropriate Box Below for Exemption Claimed☐ Will or intestate succession☐ Transfer to Industrial Development Agency.

(Name of Decedent)

(Estate File Number)

☐ Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)☐ Transfer between principal and agent. (Attach complete copy of agency/straw party agreement.)☐ Transfers to the Commonwealth, the United States and Instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)☐ Transfer from mortgagor to a holder of a mortgage in default. Mortgage Book Number _____, Page Number _____.☐ Corrective or confirmatory deed. (Attach complete copy of the prior deed being corrected or confirmed.)☐ Statutory corporate consolidation, merger or division. (Attach copy of articles.)☐ Other (Please explain exemption claimed, if other than listed above.) _____

Under penalties of law, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party

Date

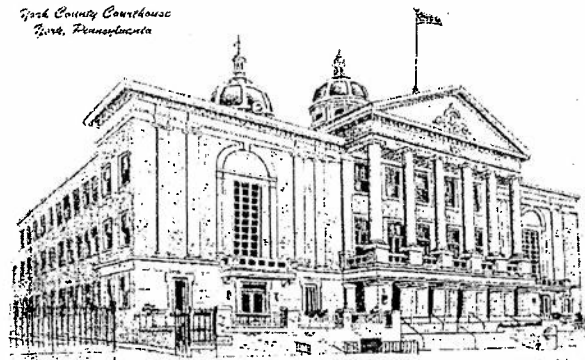
02/04/2008

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH APPLICABLE DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.

YORK COUNTY RECORDER OF DEEDS
28 EAST MARKET STREET
YORK, PA 17401

Laura Shue - Recorder
Tina M. Channell - Deputy

*York County Courthouse
York, Pennsylvania*



Instrument Number - 2019040319

Recorded On 9/13/2019 At 12:50:11 PM

Book - 2535 Starting Page - 6969

*** Total Pages - 9**

*** Instrument Type - MISCELLANEOUS INSTRUMENT**

Invoice Number - 1337050

*** Grantor - COLONIAL CROSSING INVESTMENTS L P**

*** Grantee - COLONIAL CROSSING INVESTMENTS L P**

User - JC

*** Received By: MAIL**

*** Customer - US DEPT OF JUSTICE #255**

*** FEES**

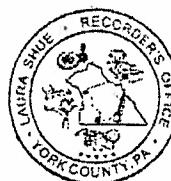
STATE WRIT TAX	\$0.50
RECORDING FEES	\$22.00
PIN NUMBER FEES	\$10.00
COUNTY ARCHIVES FEE	\$2.00
ROD ARCHIVES FEE	\$3.00
TOTAL PAID	\$37.50

PARCEL IDENTIFICATION NUMBER

400001500500000000

Total Parcels: 1

I Certify This Document To Be
Recorded In York County, Pa.



Laura Shue
Recorder of Deeds

THIS IS A CERTIFICATION PAGE
PLEASE DO NOT DETACH
THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

Book: 2535 Page: 6977

IN THE COURT OF COMMON PLEAS OF YORK COUNTY

UNITED STATES OF AMERICA,

Plaintiff

vs.

2035 Patriot Street, York, PA, known as
The View at Mackenzi and owned by
Colonial Crossings Investments L.P.,

Defendant.

**CIVIL DIVISION, ARBITRATION
AND STATUTORY APPEALS ONLY**

CASE NUMBER: _____

TYPE OF PLEADING: PRAECIPE TO
RELEASE/DISCONTINUE LIS PENDENS

CODE AND CLASSIFICATION: _____

FILED ON BEHALF OF: Plaintiff

**NAME, ADDRESS AND TELEPHONE
OF:**

Counsel of Record

MARY CLARE KANE
Assistant U.S. Attorney
U.S. Attorney's Office WDNY
138 Delaware Avenue
Buffalo, NY 14202
Telephone: (716) 843-5809

Exhibit B

IN THE COURT OF COMMON PLEAS
OF YORK COUNTY

UNITED STATES OF AMERICA,

Plaintiff

v.

No.

2035 Patriot Street, York, PA, known as
The View at Mackenzi and owned by
Colonial Crossings Investments L.P.,

PRAECIPE TO RELEASE LIS PENDENS

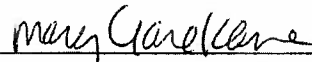
Please release the Lis Pendens on the following described piece of real property which was
filed on September 13, 2019 with the Court under Instrument No. 2019040319 in Book 2535 at
Page 6969:

2035 Patriot Street, York, Pennsylvania, Parcel No. 40-000-15-0050.00-00000. The legal
description of the Defendant Real Property is further described as recorded in the York
County Recorder of Deeds on February 5, 2018 in Book 1946 at Page 4073, a copy of
which is attached hereto as Exhibit A.

DATED, December 20, 2019.

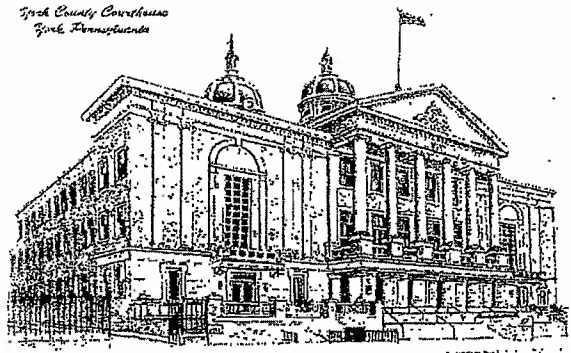
Respectfully submitted,

JAMES P. KENNEDY, JR.
United States Attorney
Western District of New York


MARY CLARE KANE
Assistant U.S. Attorney
138 Delaware Avenue
Buffalo, NY 14202
(716) 843-5809
mary.kane@usdoj.gov

YORK COUNTY RECORDER OF DEEDS
28 EAST MARKET STREET
YORK, PA 17401

Randi L. Reisinger - Recorder
Gloria A. Fleming - Deputy



Instrument Number - 2008007456
Recorded On 2/5/2008 At 11:08:49 AM

Book - 1946 Starting Page - 4069
* Total Pages - 5

* Instrument Type - DEED
Invoice Number - 748548
* Grantor - STATEWIDE PROPERTIES L P
* Grantee - COLONIAL CROSSING INVESTMENTS L P
User - BKB
* Customer - BLAKEY YOST

* Received By: COUNTER

*** FEES**

STATE TRANSFER TAX	\$394.70
STATE WRIT TAX	\$0.50
JCS/ACCESS TO JUSTICE	\$10.00
RECORDING FEES	\$15.00
AFFORDABLE HOUSING	\$11.50
PIN NUMBER FEES	\$2.00
COUNTY ARCHIVES FEE	\$2.00
ROD ARCHIVES FEE	\$3.00
SPRING GROVE AREA	\$197.35
SCHOOL REALTY TAX	
NORTH CODORUS TOWNSHIP	\$197.35
TOTAL PAID	\$833.40

PARCEL IDENTIFICATION NUMBER
400001500500000000
Total Parcels: 1

I Certify This Document To Be
Recorded In York County, Pa.



Randi L. Reisinger
Recorder of Deeds

THIS IS A CERTIFICATION PAGE
PLEASE DO NOT DETACH
THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

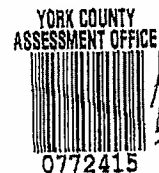
* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

Book: 1946 Page: 4073

Exhibit A

deed
7456

UPI Number: 40-000-15-0050.00-00000



DEED

Made the 31 day of January, Two Thousand and Eight (2008),

R BETWEEN see sign

STATEWIDE PROPERTIES, L.P., a Pennsylvania limited partnership, with offices at 200 Bailey Drive, Suite 204, Stewartstown, Pennsylvania, 17363,

GRANTOR

AND

COLONIAL CROSSINGS INVESTMENTS, L.P., a Pennsylvania limited partnership, with offices at 200 Bailey Drive, Suite 204, Stewartstown, Pennsylvania, 17363,

GRANTEE

WITNESSETH

That in consideration of the sum of **THIRTY THOUSAND ONE HUNDRED THIRTY DOLLARS (\$30,130.00)**, in hand paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantee, its administrators, successors and assigns, all of its right, title and interest in:

ALL THAT CERTAIN tract of land situate in North Codorus Township, York County, Pennsylvania, being known as Lot 50 on a Revised Land Development Plan for Colonial Crossing Lot 50 prepared by James R. Holley & Associates, Inc., dated June 15, 2006, and recorded in the York County Recorder of Deeds Office in Land Record Book 1827, page 657, and being more fully bounded and described to wit:

BEGINNING at a point on the northwest side of Patriot Street at a corner of existing Lot 19; thence along the northwest side of Patriot Street, South 55 degrees 38 minutes 47 seconds West, 28.32 feet to a point; thence along same by a curve to the left having a radius of 330.00 feet for an arc distance of 248.28 feet, the chord of which is South 34 degrees 05 minutes 32 seconds West, 242.47 feet to a point; thence along same and along the north side of Paine Boulevard by a curve to the right having a radius of 20.00 feet for an arc distance of 27.92, the chord of which is South 52 degrees 31 minutes 57 seconds West, 25.71 feet to a point; thence along the north side of Paine Boulevard by a curve to the left having a radius of 330.00 feet for an arc distance of 46.56 feet, the chord of which is South 88 degrees 29 minutes 05 seconds West, 46.52 feet (said curve data erroneously stated on plan as an arc length of 51.18 feet, a chord bearing of South 88 degrees 05 minutes 01 seconds West, 51.13 feet) to a point at lands now or formerly of Hollis McKinney; thence along said lands North 21 degrees 30 minutes 58 seconds West, 281.63 feet to a point; thence crossing Eagleton Lane, North 68 degrees 29 minutes 02 seconds East,

3P
1458
3N

REV-183 EX (11-04)



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
BUREAU OF INDIVIDUAL TAXES
PO BOX 280603
HARRISBURG PA 17128-0603

REALTY TRANSFER TAX STATEMENT OF VALUE

See Reverse for Instructions

RECORDER'S USE ONLY

State Tax Paid 394.70
Book Number 1946
Page Number 4069
Date Recorded 2/5/08

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) when the deed is without consideration, or by gift, or (3) a tax exemption is claimed. A Statement of Value is not required if the transfer is wholly exempt from tax based on: (1) family relationship or (2) public utility easement. If more space is needed, attach additional sheet(s).

A. CORRESPONDENT - All inquiries may be directed to the following person:

Name
Albert G. Blakey, Esquire
Telephone Number:
(717) 845-3674
Street Address
17 East Market Street
City
York
State
PA
Zip Code
17401

B. TRANSFER DATA

Grantor(s)/Lessor(s)
Statewide Properties, L.P.
Date of Acceptance of Document
Grantee(s)/Lessee(s)
Colonial Crossings Investments, L.P.
Street Address
200 Bailey Drive, Suite 204
Street Address
200 Bailey Drive, Suite 204
City
Stewartstown
State
PA
Zip Code
17363
City
Stewartstown
State
PA
Zip Code
17363

C. PROPERTY LOCATION

Street Address
Lot 50 Colonial Crossings
City, Township, Borough
North Codorus Township
County
York
School District
Spring Grove Area
Tax Parcel Number
40-000-15-0050.00-00000

D. VALUATION DATA

1. Actual Cash Consideration 30,130.00	2. Other Consideration + 0.00	3. Total Consideration = 30,130.00
4. County Assessed Value 30,130.00	5. Common Level Ratio Factor X 1.31	6. Fair Market Value = 39,470.30

E. EXEMPTION DATA

1a. Amount of Exemption Claimed 0.00	1b. Percentage of Interest Conveyed 100%
-----------------------------------------	---------------------------------------------

2. Check Appropriate Box Below for Exemption Claimed

- ☐ Will or intestate succession _____ (Name of Decedent) _____ (Estate File Number)
- ☐ Transfer to Industrial Development Agency.
- ☐ Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
- ☐ Transfer between principal and agent. (Attach complete copy of agency/straw party agreement.)
- ☐ Transfers to the Commonwealth, the United States and Instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- ☐ Transfer from mortgagor to a holder of a mortgage in default. Mortgage Book Number _____, Page Number _____.
- ☐ Corrective or confirmatory deed. (Attach complete copy of the prior deed being corrected or confirmed.)
- ☐ Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- ☐ Other (Please explain exemption claimed, if other than listed above.) _____

Under penalties of law, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party

Albert G. Blakey

Date

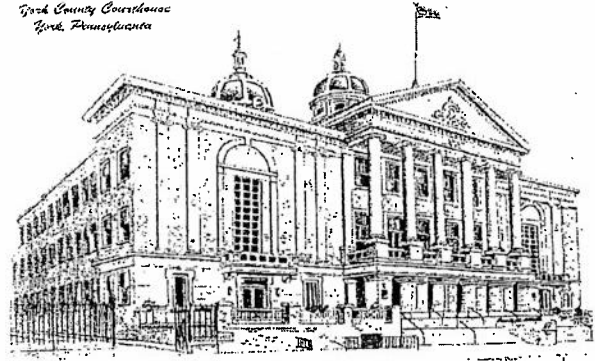
02/04/2008

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH APPLICABLE DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.

YORK COUNTY RECORDER OF DEEDS
28 EAST MARKET STREET
YORK, PA 17401

Laura Shue - Recorder
Tina M. Channell - Deputy

York County Courthouse
York, Pennsylvania



Instrument Number - 2019040319

Book - 2535 Starting Page - 6969

Recorded On 9/13/2019 At 12:50:11 PM

* Total Pages - 9

* Instrument Type - MISCELLANEOUS INSTRUMENT

Invoice Number - 1337050

* Grantor - COLONIAL CROSSING INVESTMENTS L P

* Grantee - COLONIAL CROSSING INVESTMENTS L P

User - JC

* Received By: MAIL

* Customer - US DEPT OF JUSTICE #255

* **FEES**

STATE WRIT TAX	\$0.50
RECORDING FEES	\$22.00
PIN NUMBER FEES	\$10.00
COUNTY ARCHIVES FEE	\$2.00
ROD ARCHIVES FEE	\$3.00
TOTAL PAID	\$37.50

PARCEL IDENTIFICATION NUMBER

400001500500000000

Total Parcels: 1

I Certify This Document To Be
Recorded In York County, Pa.



Laura Shue
Recorder of Deeds

THIS IS A CERTIFICATION PAGE
PLEASE DO NOT DETACH
THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

Book: 2535 Page: 6977

EXHIBIT C

On [date], 2019, The View at the Mackenzi was purchased by View at Mackenzi Acquisition, LLC, or its assignee, from Colonial Gardens, L.P. and Colonial Crossings Investments, L.P. (the “Seller”). Prior to such sale, the Robert Morgan Limited Partnership III, The RJM Fund LLC, Herbert Morgan II LLC, Kevmo LLC, ZSR Holdings LLC, and The CSC Fund LLC had indirect ownership interests in The View at Mackenzi. All debt and outstanding obligations associated with the real property, The View at Mackenzi, as well as all reasonable and customary costs and expenses from the sale, were paid from the gross proceeds of the sale. All sale proceeds remaining after the aforementioned payments (the “Net Proceeds”) were sent to a third-party escrow account at [location], and are owned by the Seller, subject to the claims by the United States of America contained in the Civil Forfeiture complaint. The Robert Morgan Limited Partnership III owns 46% of Net Proceeds. Robert Morgan, Todd Morgan, Robyn Morgan, and Lacey Morgan Katz are owners of the Robert Morgan Limited Partnership III. The RJM Fund LLC, an entity wholly-owned by Robert J. Moser, owns 26% of the Net Proceeds. Kevmo LLC, an entity wholly-owned by Kevin Morgan, owns 14% of the Net Proceeds. ZSR Holdings LLC, an entity wholly-owned by Sharon Zinser, owns 6% of the Net Proceeds. The CSC Fund LLC owns 28% of the Net Proceeds. The Stefanie Cyr Revocable Trust and The Chase Chavin Revocable Trust own The CSC Fund LLC.